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OFFICE OF PETITIONS

In re Application of :
J. Barry Winder et al :
Application No. 10/090,859 : DECISION GRANTING PETITION
Filed: March 5, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. Vista-1224 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 17, 2005, to revive the above-identified application.

The petition is **GRANTED**.

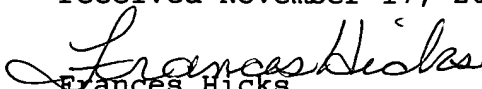
The application became abandoned for failure to reply in a timely manner to the nonfinal Office action mailed June 30, 2003, which set a shortened statutory period for reply of three (3) months. No proper extensions of time under the provisions of 37 CFR 1.136(a) for this application were obtained. Accordingly, the application became abandoned on October 1, 2003. A Notice of Abandonment was mailed on February 11, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply to the nonfinal Office action of June 30, 2003; (2) the \$1,500 petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action of June 30, 2003 is accepted as having been unintentionally delayed.

The filing of a terminal disclaimer is not required in this application as a condition for revival under the provisions of 37 CFR 1.137. Note 37 CFR 1.137(d). Therefore, the terminal disclaimer will not be processed. In view of the nonentry of the terminal disclaimer, the \$130 terminal disclaimer fee submitted is unnecessary and will be refunded to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1754 for appropriate action in the normal course of business on the reply received November 17, 2005.


Frances Hicks
Petitions Examiner
Office of Petitions